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Response
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Attorney Docket No. 2000009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

entry
affirmed
6/26/02
In re Application of:

Michael T. Dobbertin and
Henry P. Mitchell, Jr.

Serial No. 09/688,001

Filing Date: October 14, 2000

For PULSED AIRKNIFE CONTROL
FOR VACUUM CORRUGATED
FEED SUPPLY

Examiner H. Grant Skaggs

Group Art Unit No. 3651

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the office action mailed on February 15, 2001:

Claim 5 stands rejected under 35 U.S.C. 103 (a) as being unpatentable
over Yoshida et al in view of Jantsch et al. Claims 1-4 stand rejected under 35

U.S.C. 103 (a) as being unpatentable over Yoshida et al in view of Jantsch et al as applied to claim 5, and further in view of Watkiss. Applicants respectfully submit that for the following reasons, claim 5 is not obvious by Yoshida et al in view of Jantsch et al under 35 U.S.C. 103 (a) and claims 1-4 are not obvious by Yoshida et al in view of Jantsch et al as applied to claim 5, and further in view of Watkiss under 35 U.S.C. 103 (a). Applicants respectfully request reconsideration and further examination of claims 1-5.

In his rejection of claim 5, the Examiner states that "Yoshida et al shows in Fig. 34 the timed operation of a vacuum belt feeder which includes first opening a vacuum valve 13 (at c) and a positive pressure air valve 22 (at a), closing the pressure air valve (at b), driving the belt feeder (14), closing the vacuum (at d), and then turning off the drive to the belt." Applicant respectfully submits that this is in error. Applicants argued that Figure 34 in Yoshida et al does not show a positive pressure air valve either opening OR closing, what it does show is the position of the positive pressure air valve switching from position a to position b. Examiner further states that "Merely having the vacuum belt of Yoshida et al run until after the feed belt is de-energized would require mere choice or expedience since it would appear that the apparatus run equally well with the vacuum turned off after the de-energizing of the belt (14)." Applicant respectfully submits that the Examiner's observation has not been established as fact, and there is no factual support in the record for such an observation. Applicant respectfully requests that Examiner supply a factual support in the record for such an observation so that applicant can adequately respond. In the final rejection the Examiner responded by stating that the timing chart of Figure 34 could apply to the embodiments of Figs. 25-28. Applicants respectfully submit this is in error.

The timing chart of Figure 34 could not apply to the embodiments of Figs. 25-28, because applying the embodiments of Figures 25-28 to the timing chart of Fig 34 does not produce the "blow amount of nozzle 19" presented in Figure 34. For example, in Figs. 25-38, when the pressure air valve 22 is in the closed position b there would be no airflow through nozzle 19. Figure 34 clearly shows

that when valve 22 is in position b that there is non-zero airflow Q1 in nozzle 19; and further that the airflow through nozzle 19 is greater when the valve 22 is in position b than when it is position a. This clearly contradicts the Examiner's position that the timing chart of Figure 34 could apply to embodiments 25-28. Claim 5 is not obvious by Yoshida et al in view of Jantsch et al under 35 U.S.C. 103 (a), and applicants respectfully submit that rejection of claim 5 on this basis is in error, and request that the rejection on this basis be withdrawn.

Claims 1-4 stand rejected as being unpatentable over Yoshida et al in view of Jantsch et al as applied to claim 5 above, and further in view of Watkiss. As noted above, the combination of Yoshida et al in view of Jantsch et al as applied to claim 5 above is in error, as such applicants respectfully submit this rejection as stated is in error, and request that the rejection on this basis be withdrawn.

Examiner further states that "It would be obvious in order to aid in separation of the sheets from the stack to have the positive air pressure from valve 22 of Yoshida et al delivered in pulses as made obvious by Watkiss." In Yoshida et al the valve 22 is switched to position a, then the vacuum valve is opened, then valve 22 is switched to position b "to stop the injection of the air", and the convey belt is actuated. (see column 18 lines 1-8 and lines 37-44). In contrast, Watkiss has the positive air being pulsed "in synchronism with the operation of the vacuum device and the belt movement". Thus in Yoshida et al, the positive air is stopped when the belt is actuated, and in Watkiss the positive air is turned ON when the belt is actuated. Thus they directly conflict with each other, so not only is there no motivation to combine Yoshida et al and Watkiss, but it could not be done. Applicants respectfully submit that rejection of claims 1-4 on this basis is in error, and respectfully request rejection on this basis be withdrawn.

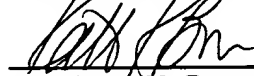
Examiner further states that with regard to claims 2-3, "merely having the air pressure separator (at a of 22 of Fig. 34) of Yoshida et al actuated at the same time as the vacuum is actuated (at 13 c of Fig 34) would require mere

choice or expedience since the apparatus of Yoshida et al could work equally well with this type of timed operation". Examiner further states that "Examiner has made a factual observation of the modified Yoshida et al apparatus and the burden is on applicant to refute such observations." Applicant respectfully submits that the Examiner's observation has not been established as fact, and there is no factual support in the record for such an observation. Applicant respectfully requests that Examiner supply a factual support in the record for such an observation so that applicant can adequately respond. Further, with regard to claim 2, the Examiner speaks to the limitation of having the positive air pressure separator actuated when the vacuum is actuated, however, the Examiner does not address the limitation of the "positive air pressure is de-actuated before the feed clutch is energized." If the Examiner is relying on the timing chart Figure 34 of Yoshida et al for this limitation, applicant respectfully submits that for the reasons stated in the above paragraph, Figure 34 of Yoshida et al is not applicable. In the absence of such, applicants respectfully submit that rejection of claims 2-3 on this basis is in error, and respectfully request rejection on this basis be withdrawn.

Examiner further states with regard to claims 3 and 4, that "to have the time between the closing of the valve 22 (at b) and the activation of the feed belt 14 of Yoshida et al to be approximately 50 milliseconds would require mere choice of expedience based on the timing of the feed rate of the sheets being fed". Examiner further states that "Examiner has made a factual observation of the modified Yoshida et al apparatus and the burden is on applicant to refute such observations." Applicant respectfully submits that the Examiner's observation has not been established as fact, and that there is no factual support in the record for such an observation. Applicant respectfully requests that Examiner supply a factual support in the record for such an observation so that applicant can adequately respond. In the absence of such, applicants respectfully submit that rejection of claims 3-4 on this basis is in error, and respectfully request rejection on this basis be withdrawn.

Applicants respectfully submit that claims 1-5 are allowable as written, and request that the rejections against them be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathleen K. Bowen', is written over a horizontal line.

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